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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,437	10/18/2001	Steve Brandstetter	P/94-2	6647
7590 02/22/2006			EXAMINER	
Philip M. Weiss WEISS & WEISS 300 OLD COUNTRY ROAD SUITE 251 MINEOLA, NY 11501			SPRIGG, SEAN M	
			ART UNIT	PAPER NUMBER
			3713	
DATE MAILED: 02/22/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/982,437	BRANDSTETTER ET AL.	
	Examiner	Art Unit	
	Sean Sprigg	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13 and 22 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/7/2005 has been entered.

Claim Objections

2. Claim 13 is objected to because of the following informalities: the claim states that it is "Currently Amended" when it is not currently amended and should be "Previously Presented." Claims should be provided with the proper status identifier. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 13 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation of "the interactive sign

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comprising a bonusing event” is not clearly defined in the specification. The specification appears to describe the interactive sign comprising a LCD screen. The specification also appears to describe the LCD screen of the interactive display displaying a bonusing event that the players can enter in. However, the specification appears to be silent with regards to the interactive sign comprising a bonusing event.

The specification does appear to state that a bonusing event is a wheel or an LCD screen (or interactive sign) that a player plays on (see pg. 10, lines 22-23) and not the act of a player playing on a wheel or LCD screen for a bonus. This appears to make sense in terms of the present limitation of the claim. But, this interpretation from page 10 confuses the limitation of “wherein players...who enter said bonusing event compete against each other on said interactive sign,” because the term “bonusing event” as used in this limitation clearly indicates that players are entering a contest or game state that plays out on an interactive sign, and not having players enter a physical structure such as a wheel or LCD screen. Therefore, this portion of the specification does not provide sufficient support for the claim as written.

Meanwhile, on page 13, lines 2-3, the specification states that the interactive sign, which is an LCD screen, is where the player plays the Casino Dealer in a bonusing event. Furthermore, page 13, lines 11-22 outlines the circumstances under which a player would be allowed to play a bonus event. A “bonusing event” as described on page 13, uses the term as a contest or game state that plays out on a structure, and is not a structure like an LCD screen or wheel. The use of the term “bonusing event” as used on page 13, would suggest the claim being written as an “interactive sign that

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executes a bonusing event” and not as an “interactive sign comprising a bonusing event.”

Therefore, neither usage of the term “bonusing event” provides a sufficient description to clearly define the claim. In light of how the specification uses the term “bonusing event”, the claims contains subject matter which was not written in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

5. Claims 13 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As stated in the Office action of 5/6/2005, the limitation of claim 13 of “wherein players playing said linked gaming machines who enter said bonusing event compete against each other on said interactive sign” is non-enabled nor adequately described by the specification. The specification describes that it is an object or goal of the invention to allow players to compete an interactive sign at a bonusing event (page 10, lines 22-23), but is silent as to how the players compete against each other. The specification states that it was an “object” of the present invention to perform these functions and vaguely describes a board game embodiment of the interactive sign, but does not appear to describe how the invention achieves this goal, how players would be competing against each other, or how the rules associated with the competition. The

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specification appears to be enabling only of a competition between a player on the gaming machine and a Casino Dealer who is displayed on the interactive sign.

Therefore, it also appears as though the claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the invention was filed, had possession of the claimed invention of a system with an interactive sign on which players on linked gaming machines enter in a bonusing event competing against each other.

6. Claim 22 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 22 states the limitation of a competition "between a player playing said gaming machine and said interactive sign." Again, the specification appears to be silent as to how a player competes against the interactive sign. The specification describes the player entering in a bonusing event where the player plays one on one with the Casino Dealer and the competition is displayed on the interactive sign. However, the claim does not state that the player is playing against a Casino Dealer via an interactive sign, but instead states that the player is playing against the interactive sign. Again, the specification appears to be enabling only of a competition between a player on the gaming machine and a Casino Dealer who is displayed on the interactive sign. Therefore, it also appears as though the claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in

the relevant art that the inventors, at the time the invention was filed, had possession of the claimed invention of a system with an interactive sign where a player enters bonus play and competes against the interactive sign.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 13 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claim 22 states the limitation of "competition is between a player playing said gaming machine and said interactive sign" while claim 13 states that the competition is between players entered in a bonusing event. The scope of the claim is therefore unclear, as it appears to claim functionality of the system beyond the system defined in claim 13 by allowing players to compete against the interactive sign instead of only against other players entered in the bonusing event.

Claim Rejections - 35 USC § 102

9. As best understood, claims 13 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Cannon'923 (US 2002/0039923). Cannon'923 teaches a gaming system wherein at least two gaming machines are linked together (see proximate lead lines 100 and Figs. 5 and 4) and to an interactive sign (see proximate lead line 102 and pars. 6 and 83), the interactive sign displays a bonusing event (see pars. 45-47) and is operated by a central controller which operates the bonusing event (see proximate lead line 302), and the players playing on the gaming machines who enter in the bonusing

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event compete against each other in the form of a tournament (see pars. 45-47, 49-51, and 77). Cannon'923 also teaches the interactive sign being an LCD screen (see pars. 6 and 83), and the competition is displayed on the interactive sign, thereby allowing the player to be competing against the interactive sign and the information displayed on the sign (see pars. 45-47, 49-51, and 77).

Response to Arguments

10. Applicant's arguments filed on 11/7/2005 regarding the 112 rejections have been fully considered but they are not persuasive. Applicant argues that the 112 rejections have sufficient support in the specification and cites several passages in the specification that the Applicant believes provide such support. Applicant draws attention to specific passages that attempt to provide support for a bonusing event in the specification and competition between players. However, the Examiner has reviewed and fully considered the passages indicated and finds nothing to support a clear definition of an "interactive sign comprising a bonusing event" as claimed within claim 13, or the limitation of "wherein players...said interactive sign." As stated above, the passages point out conflicting usages of the term "bonusing event", indicate merely the "object" of the invention to provide competition between players, and fail to describe how the competition between a player and another player would take place.

Applicant's arguments with respect to the art rejections of claim 13 have been fully considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Acres'567 (USPN 6,375,567), Stefan'277 (USPN 6,210,277), Demar'119 (EP 0 981 119 A2), Olsen'275 (USPN 6,210,275), Hagiwara'907 (USPN 4,805,907), Seelig'998 (USPN 5,664,998).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Sprigg whose telephone number is (571) 272-5562. The examiner can normally be reached on Monday - Friday, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMS
2/16/2006


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TC3700